

Message Text

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ACTION EB-11

INFO OCT-01 CIAE-00 DODE-00 PM-07 H-02 INR-10 L-03 NSAE-00

NSC-10 PA-03 RSC-01 PRS-01 SS-15 USIA-12 COME-00

FMC-04 CG-00 COA-02 OMB-01 TAR-02 AGR-20 AID-20 IO-13

LAB-06 OIC-04 SIL-01 STR-08 TRSE-00 CIEP-02 CEA-02

AF-10 ARA-11 EA-11 EUR-25 NEA-10 RSR-01 ADP-00 /229 W

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R 291421Z JUN 73

FM USMISSION GENEVA

TO SECSTATE WASHDC 0115

INFO USMISSION OECD PARIS

AMEMBASSY LONDON

USMISSION USUN NEW YORK

UNCLAS GENEVA 3223

EO 11652: N/A

TAGS: ETRN, UNCTAD

SUBJ: SHIPPING: 2ND PREPARATORY COMMITTEE SESSION ON CODE OF CONDUCT
FOR LINER CONFERENCES, THIRD WEEK

REF: A. GENEVA 2766

B. GENEVA 2991

PASS FMC FOR CHAIRMAN BENTLEY

1. SUMMARY: THIRD WEEK OF SUBJECT MEETING SAW INTENSIVE
DISCUSSION IN WORKING GROUP II DRAFTING GROUPS ON
TOWARD MERGING DRAFT CODE TEXTS OF 77 AND GROUPS B AND D TO
EXTENT POSSIBLE. MANY PROVISIONS HOWEVER REMAIN DISAGREED.
WORKING GROUP III CONTACT GROUP ALSO BEGAN WORK DURING THIRD WEEK
AND INITIATED DISCUSSION ON BASIC ISSUES IN IMPLEMENTATION OF CODE
WHICH WG III PLENARY GAD OREVUIYSKT#AVIUDED END SUMMARY.

2. WORKING GROUP II (SUBSTANTIVE PROVISIONS OF CODE):

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WEEK DEVOTED TO WORK OF TWO DRAFTING GROUPS (REF B) AND

REVIEW OF THEIR PRODUCT BY RESPECTIVE REGIONAL GROUPS.
US POSITIONS WERE SUCCESSFULLY REPRESENTED AND DEFENDED
IN DRAFTING GROUPS AND ARE ADEQUATELY REFLECTED IN FINAL TEXTS.

3. DRAFTING GROUPS ATTEMPTED TO PRODUCE AGREED TEXTS OF SECTIONS B, C, D AND E OF DRAFT CODE, DRAWING ON LDC DRAFT CODE, GROUP B COUNTERPROPOSALS AND GROUP D PROPOSALS, AND DISCUSSIONS OF PREVIOUS WEEK IN WG II WORKING PARTY. BECAUSE OF CONTINUING FUNDAMENTAL DIFFERENCES IN VIEWS OF VARIOUS GROUPS AND IN SOME INSTANCES OF INDIVIDUAL DELEGATIONS, MANY PROVISIONS WERE PRESENTED IN ALTERNATIVE FORMS OR IN BRACKETS. BRACKETS (INDICATING DISAGREED TEXT) WERE PLACED AROUND PROVISION IF EVEN ONE DELEGATION FOUND IT UNACCEPTABLE. APPROXIMATELY TWO-THIRDS OF TEXT, AS PRODUCED BY DRAFTING GROUPS AND APPROVED BY REGIONAL GROUPS ARE IN BRACKETS. MOST HEAVILY BRACKETED SECTIONS OBVIOUSLY REFLECT MOST CONTROVERSIAL PORTION OF CODE: MEMBERSHIP, PARTICIPATION IN TRADE, ROYALTY ARRANGEMENTS, CONSULTATION MACHINERY, GENERAL FREIGHT RATE INCREASES, CURRENCY CHANGES, AND ADEQUACY OF SERVICE.

4. SECOND ROUND OF MEETINGS OF TWO DRAFTING GROUPS ON FRIDAY AND SATURDAY FAILED TO REDUCE SIGNIFICANTLY NUMBER OF BRACKETS. FINAL TEXT (COPY AIRPOUCHED) WILL BE INCLUDED AS PART OF REPORT OF PREPARATORY COMMITTEE 2ND SESSION. WHILE TEXT CONTAINS MUCH BRACKETED LANGUAGE, GENERAL SENTIMENT IS THAT DRAFTING GROUP EFFORT SUCCESSFUL IN TERMS OF PRODUCING SINGLE CONSOLIDATED TEXT OF DRAFT CODE FOR SUBMISSION TO NOVEMBER DIPLOMATIC CONFERENCE.

5. FURTHER INITIATIVE BY 77 TO ESTABLISH HIGH-LEVEL CHAIRMAN'S GROUP (SIMILAR TO THAT OF 1ST PREPCOM SESSION IN JANUARY) FOR FINAL EFFORT TO ELIMINATE MORE BRACKETS WAS SUCCESSFULLY RESISTED BY GROUP B. LATTER ARGUED THAT DRAFTING GROUPS WERE APPROPRIATE PLACE FOR THIS EFFORT AND THAT CHAIRMAN'S GROUP WOULD BE REDUNDANT.

6. FINAL WEEK IN WG II TO BE DEVOTED LARGELY TO APPROVAL IN PLENARY OF TEXTS PRODUCED BY DRAFTING GROUP.

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7. WORKING GROUP III (IMPLEMENTATION)
PLENARY SESSION OF WG III WEDNESDAY CONSISTED OF EXTENSIVE REMARKS BY GROUP B COUNTRIES, INCLUDING US EXPLAINING REASONS WHY GROUP 77 PROPOSAL ON IMPLEMENTATION UNACCEPTABLE. BASIC PROBLEMS IN TWO AREAS: CONCEPT OF MANDATORY ARBITRATION FOR DISPUTES BETWEEN PRIVATE PARTIES AND BETWEEN PRIVATE PARTIES

AND CONTRACTING STATES; AND PROPOSED INTERNATIONAL ARBITRATION INSTITUTION, TO BE ESTABLISHED ALONG UNCTAD LINES, HEADQUARTERS IN GENEVA, WITH EXTENSIVE BUREAUCRACY. US INTERVENTION FOCUSED AS WELL ON FACT THAT ROLE OF NATIONAL LAW IN DISPUTE - SETTLEMENT DID NOT APPEAR TO BE RECOGNIZED.

8. WIDE-RANGING DISCUSSION ON GENERAL POINTS ENSUED BETWEEN GROUP B - D, AND 77 MEMBERS. CONTACT GROUP WAS THEN FORMULATED TO MEET THURS., FRI., AND SAT. TO SEEK TO ACHIEVE A CONSOLIDATED TEXT OUT OF WORKING PAPERS SUBMITTED BY EACH GROUP UP TO THAT POINT. BECAUSE OF SIGNIFICANTLY DIFFERENT SUBSTANTIVE APPROACHES, WHICH, IT APPEARED, WOULD NOT BE RESOLVED AT THIS SESSION, CONSOLIDATED TEXT WOULD CONTAIN EXTENSIVE BRACKETING.

9. CONTACT GROUP MADE TORTUROUSLY SLOW PROGRESS, AND WAS TO CONTINUE ITS WORK ON MONDAY AND TUESDAY THIS WEEK.

10. WORKING GROUP I - WORKING GROUP I ON OBJECTIVES AND PRINCIPLES HAS REACHED UNANIMOUS AGREEMENT THAT THE FUNDAMENTAL AND INTERRELATED OBJECTIVES OF THE CODE ARE " (1) TO FACILITATE THE ORDERLY EXPANSION OF WORLD SEA-BORNE TRADE (2) TO STIMULATE THE DEVELOPMENT OF REGULAR AND EFFICIENT LINER SERVICES ADEQUATE TO THE REQUIREMENTS OF THE TRADE CONCERNED AND (3) TO INURE A BALANCE OF INTERESTS BETWEEN SUPPLIERS AND USERS OF LINER UNCLASSIFIED

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SHIPPING SERVICES." INTRODUCTORY CLAUSES REFERRING TO SECOND DEVELOPMENT DECADE AND SPECIAL NEEDS AND PROBLEMS OF DEVELOPING COUNTRIES WERE UNACCEPTABLE TO MOST OF GROUP B (INCLUDING US) AND REMAIN IN BRACKETS.

11. GROUP B WITH US SUPPORT MAINTAINED POSITION THAT THERE WAS NO NEED TO ADVANCE SET OF PRINCIPLES SINCE CODE MAY RESULT IN LEGALLY BINDING INSTRUMENT AND THAT SUCH INSTRUMENTS DO NOT NORMALLY INCLUDE SEPARATE PROVISIONS ON PRINCIPLES. ACCORDINGLY, ALL LDC PRINCIPLES REMAIN IN BRACKETS. BASSIN

NOTE BY OCT: # AS RECEIVED. SERVICED UPON REQUEST.

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